

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	
	:	CASE NO. 07-65842
SOUTH STAR FUNDING, LLC	:	
	:	CHAPTER 7
Debtor	:	
	:	JUDGE: PAUL W. BONAPFEL
	:	
<hr/>		
	:	
WELLS FARGO BANK, N.A.,	:	
	:	
Movant	:	
	:	
v.	:	CONTESTED MATTER
	:	
SOUTH STAR FUNDING, LLC	:	
HARRY W. PETTIGREW, Trustee	:	
	:	
Respondents	:	
	:	
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NOTICE OF HEARING

PLEASE TAKE NOTICE that Wells Fargo Bank, N.A. has filed a Motion for Relief from the Automatic Stay and related papers with the Court seeking an Order Granting Motion for Relief from Stay.

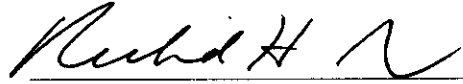
PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from the Automatic Stay in Courtroom 1401, 75 Spring Street, Atlanta, Georgia 30303 at 10:00 A.M. on June 25, 2008.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, United States Bankruptcy Court, 75 Spring Street, Suite 1340, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated:

JUN 03 2008



Richard H. Siegel, Bar No. 645825
Counsel for Movant
McCalla Raymer, LLC
1544 Old Alabama Road
Roswell, Georgia 30076
(770) 643-2148

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) BANKRUPTCY CASE
)
SOUTH STAR FUNDING, LLC) NO. 07-65842
)
Debtor)
)

)
WELLS FARGO BANK, N.A.,) JUDGE: PAUL W. BONAPFEL
)
Movant)
)
vs.)
)
) CHAPTER 7
SOUTH STAR FUNDING, LLC)
HARRY W. PETTIGREW, Trustee)
)
Respondents)

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant and shows this Court the following:

1.

This is a Motion under Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and by the applicable contracts, including, but not limited to, the right to foreclose on certain pieces of real property.

2.

Movant is the holder or servicer of loans secured by the properties listed on the attached Schedule. Each property is

security for a Promisory Note. The names of the respective Borrowers, as known to Movant, are listed beside each property address.

3.

Movant believes that Debtor holds or services a loan on each of the properties listed, and that Debtor's lien on each property is inferior to Movant's lien.

4.

Each of the loans held or serviced by Movant is delinquent, and Movant seeks to initiate, continue and/or conclude foreclosure actions on each of the properties listed, in accordance with State law and its contracts. Movant seeks relief from the automatic stay because it believes Debtor has an interest in each of the properties, and foreclosure of any property would extinguish Debtor's lien thereon.

5.

Movant shows that most of these properties have little or no equity which will benefit the Estate. Movant is therefore not adequately protected.

WHEREFORE, Movant prays for an Order lifting the automatic stay, authorizing Movant to exercise its rights under its Notes,

Security Instruments, and appropriate state statutes, including, but not limited to, the right to initiate, continue and/or conclude foreclosure on these properties. Movant prays for such other and further relief as is just and equitable.



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Attorney for Movant

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<u>Borrowers Name</u>	<u>Property Address</u>	<u>Estimated payoff</u>	<u>Estimated Value</u>	
Baptiste, Skylar	1241 Lakeview Circle, Pittsburg, CA 94565	\$ 294,202.57	\$ 215,000.00	WELLSB-08-28862
Barnes, Dilar and Michael Barnes	4414 Yelverton Place, Mableton, GA 30126	\$ 331,159.53	\$ 352,400.00	WELLSB-08-28790
Bayquen, Melchor and Raquel Bayquen	246 San Marino Avenue, Vallejo, CA 94589	\$ 379,832.07	\$ 230,000.00	WELLSB-08-28856
Bell, Salathia	2431 Reeves Creek Road, Jonesboro, GA 30236	\$ 166,902.74	\$ 171,900.00	WELLSB-08-28789
Boyd, Jr., Rufus	957 Virginia Pine Cove, Southaven, MS 38671	\$ 132,595.15	\$ 145,000.00	WELLSB-08-28792
Bravez, Marcela	979 Scott Circle, Decatur, GA 30033	\$ 171,517.51	\$ 209,000.00	WELLSB-08-28791
Compoi, Marlene and Heather Armendariz	1327 Museo Way, Perris, CA 92570	\$ 288,392.36	\$ 279,900.00	WELLSB-08-28860
Donaldson, James M. and Jennifer K. Donaldson	76 CR 8122 Road, Laurel, MS 39443	\$ 53,524.84	\$ 60,000.00	WELLSB-08-28733
Douglas, Romell and Julia R. Douglas	9874 Caminito Bolso, San Diego, CA 92129	\$ 293,947.27	\$ 269,000.00	WELLSB-08-28855
Hay, Douglas J. and Catherine A. Hay	1900 Marquette Street, Racine, WI 53402	\$ 100,862.77	\$ 72,000.00	WELLSB-08-28770
Hosmer, Daniel and Jennifer Hosmer	5310 18th Street NE, Saint Petersburg, FL 33703	\$ 274,620.73	\$ 245,000.00	WELLSB-08-28769
Ibasco, Hannavel T. and Roderick A. Ibasco	2866 Sierra Gold Court, Riverbank, CA 95367	\$ 425,470.44	\$ 280,000.00	WELLSB-08-28861
Irman, Jr., Franklin D.	115 112th Avenue NE, Saint Petersburg, FL 33716	\$ 121,521.01	\$ 90,000.00	WELLSB-08-28737
Jarros, Darren D.	612 Southeast 2nd Street, Galva, IL 61434	\$ 67,259.42	\$ 57,000.00	WELLSB-07-21285-2
Johnson, Mark A. and Tasia L. Williams	1453 Cliff Swallow Drive, Patterson, CA 95363	\$ 412,366.24	\$ 225,000.00	WELLSB-08-28858
Kattison, Derek and Adam Arick	16191 Amberwood Lake, Fort Myers, FL 33908	\$ 136,587.66	\$ 160,000.00	WELLSB-08-28766
Phillips, Jr., David and Cheryl Phillips	5728 Baywood Drive, Marysville, CA 95901	\$ 279,469.74	\$ 183,000.00	WELLSB-08-28859
Rejas, Ignacio	1360 Shady Lane, #617, Turlock, CA 95382	\$ 221,862.76	\$ 185,000.00	WELLSB-08-28863
Rye, Leslie R.	7154 Hampton Drive, Horn Lake, MS 38637	\$ 83,759.17	\$ 79,000.00	WELLSB-08-28767
Ryder, James A.	10000 Gate Parkway North, #1124, Jacksonville, FL 32246	\$ 145,417.35	\$ 176,000.00	WELLSB-08-28857
Thomas, Terrel and Melissa Thomas	13370 Riverview Drive, Victorville, CA 92392	\$ 277,003.87	\$ 195,000.00	WELLSB-08-28857
Ward, Marcia L.	11813 Seashore Lane, Panama City Beach, FL 32407	\$ 197,773.82	\$ 172,000.00	WELLSB-08-28732

BANKRUPTCY CASE NO. 07-65842

CHAPTER 7

JUDGE: PAUL W. BONAPFEL

CERTIFICATE OF SERVICE

I, Richard H. Siegel of McCalla Raymer, LLC, 1544 Old Alabama Road, Roswell, Georgia 30076-2102, certify:

That on the date below, I served a copy of the within NOTICE OF ASSIGNMENT OF HEARING, together with the "MOTION FOR RELIEF FROM THE AUTOMATIC STAY" filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, postage prepaid, unless another manner of service is expressly indicated:

SouthStar Funding LLC
400 Northridge Road
Suite 1000
Atlanta, GA 30350

J. Robert Williamson, Esquire
Scroggins & Williamson
1500 Candler Building
127 Peachtree Street, N.E.
Atlanta, GA 30303

Harry W. Pettigrew, Trustee
Pettigrew & Associates, P.C.
P.O. Box 4030
Decatur, GA 30031

J. Michael Lamberth
Lamberth, Cifelli, Stokes & Stout, P.A.
East Tower - Suite 550
3343 Peachtree Road, N.E.
Atlanta, GA 30326-1022

Baptiste, Skylar
1241 Lakeview Circle
Pittsburg, CA 94565

Barnes, Dillar and Michael Barnes
4414 Yelverton Place
Mableton, GA 30126

Bayquen, Melchor and Raquel Bayquen
246 San Marino Avenue
Vallejo, CA 94589

Bayquen, Melchor and Raquel Bayquen
365 Laurie Meadows Drive, #A
San Mateo, CA 94403

Bell, Salathia
2431 Reeves Creek Road
Jonesboro, GA 30236

Bell, Salathia
P.O. Box 2359
Stockbridge, GA 30281

Boyd, Jr., Rufus
957 Virginia Pine Cove
Southaven, MS 38671

Chavez, Maricela
979 Scott Circle
Decatur, GA 30033

Compoi, Marlene and Heather Armendariz
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Perris, CA 92570

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Laurel, MS 39443

Donaldson, James M. and Jennifer K. Donaldson
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Laurel, MS 39443

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San Diego, CA 92129

Douglas, Romell and Julia R. Douglas
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Sylvania, OH 43560

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Racine, WI 53402

Hay, Douglas J. and Catherine A. Hay
2531 Maple Grove Avenue
Racine, WI 53404

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Saint Petersburg, FL 33703

Hosmer, Daniel and Jennifer Hosmer
1010 Bella Vista Drive, NE
Saint Petersburg, FL 33702

Ibasco, Hannavel T. and Roderick A. Ibasco
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Riverbank, CA 95367

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Saint Petersburg, FL 33716

Inman, Jr., Franklin D.
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Spring Hill, FL 34610

Jaros, Darren D.
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Galva, IL 61434

Johnson, Mark A. and Tasia L. Williams
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Patterson, CA 95363

Pattison, Derek and Adam Arick
16191 Amberwood Lake
Fort Myers, FL 33908

Phillips, Jr., David and Cheryl Phillips
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Marysville, CA 95901

Phillips, Jr., David and Cheryl Phillips
P.O. Box 1960
Marysville, CA 95901

Quijas, Ignacio
1360 Shady Lane, Apt. 617
Turlock, CA 95382

Shive, Leslie R.
7154 Hampton Drive
Horn Lake, MS 38637

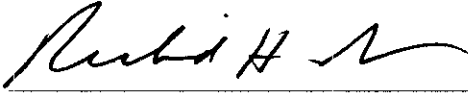
Suber, James A.
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13370 Riverview Drive
Victorville, CA 92392

Thomas, Terrel and Melisa Thomas
SVL Box 6731
Victorville, CA 92395

Ward, Marcia L.
11813 Seashore Lane
Panama City Beach, FL 32407

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on JUN 03 2008 By: 
(date) RICHARD H. SIEGEL, BAR NO. 645825
Attorney for Movant